

VIRGINIA:

IN THE CIRCUIT COURT OF THE CITY OF CHESAPEAKE

COMMONWEALTH OF VIRGINIA)	CASE NOS. CR03-3089, CR03-3090, CR03-3091
VERSUS)	
LEE BOYD MALVO a/k/a)	INDICTMENT - CAPITAL MURDER (2
John Lee Malvo		Counts) and USING A FIREARM IN THE
		COMMISSION OF A FELONY

JURY TRIAL – Day 1, Day 2, and Day 3

On November 10, 2003, November 11, 2003, and November 12, 2003, Robert F. Horan, Jr., the Commonwealth's Attorney, Raymond Morrogh, the Deputy Commonwealth's Attorney, LEE BOYD MALVO a/k/a John Lee Malvo, the Defendant, and Michael Arif and Craig Cooley, co-counsel for the Defendant, appeared before this Court. The Defendant is indicted for the felonies of CAPITAL MURDER (2 Counts) and USING A FIREARM IN THE COMMISSION OF A FELONY and he appeared while in custody.

The Defendant was arraigned upon the indictment and the Defendant entered pleas of not guilty.

The Court, after hearing argument, denied the Defendant's motion to dismiss Count I of the indictment.

One hundred fifty veniremen were sworn and examined on their voir dire three at a time. Twenty-eight were ultimately found to be competent and qualified jurors. The Commonwealth's Attorney and Counsel for the Defendant alternately struck the names of six of the veniremen. The remaining sixteen constituted the Jury and were sworn. With the agreement of the parties, the Court selected the numbers of four of the sworn jurors to serve as alternate jurors.

Counsel for the Defendant renewed several prior motions that had been denied by the Court. The Court denied the motions for the reasons previously stated.

The Court, being of the opinion that this case could not be completed at a reasonable hour, admonished the jurors as to their behavior during recess and continued this case to November 13, 2003, at 10:00 a.m. for opening statements.

The Defendant was remanded to the custody of the Sheriff.

Entered on November 13, 2003.

LSI

JANE MARUM ROUSH
JUDGE DESIGNATE